

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KEVIN J. McLAUGHLIN  
BEN L. DECKER and  
MARK M. CHAVEZ

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Appeal No. 94-3243  
Application 07/974,560<sup>1</sup>

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ON BRIEF

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Before GARRIS, PAK and WALTZ, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

Kevin J. McLaughlin et al. (appellants) appeal from the final rejection of claims 1 and 3, which are all the claims remaining in the application.

The subject matter on appeal is directed to a process for preparing a stabilized alumina. The critical aspect of the process lies in admixing a particular stabilizer with an aqueous

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<sup>1</sup> Application for patent filed November 12, 1992.

slurry of a precursor boehmite alumina **prior to** aging the resulting mixture at a particular pH and a particular temperature for the purposes of converting a substantial portion of the alumina into a colloidal sol. See the specification, page 3. According to examples I and II at pages 4 through 6 of the specification, adding the particular stabilizer prior to, rather than after, the formation of the colloidal sol allows retention of a large surface area at high temperatures with a lesser amount of the particular stabilizer.

Claim 1 is representative of the subject matter on appeal and reads as follows:

1. A process for preparing a stabilized alumina comprising: forming an aqueous slurry of a precursor boehmite alumina;

admixing said aqueous slurry with from about 0.5 to about 20% by weight calculated as metal oxide based on the  $\text{Al}_2\text{O}_3$  content of said stabilized alumina of a stabilizer selected from the group consisting of water-soluble salts of polyvalent metal cations of Groups IIA and IIIB of the periodic table, oxides of metals of Groups IIA and IIIB of the periodic table, compounds containing metals from Groups IIA and IIIB of the periodic table that hydrolyze in aqueous solutions of produce water-soluble salts of polyvalent metal cations and/or oxides of metals in Groups IIA and IIIB of the periodic table, and mixtures thereof;

aging said alumina slurry containing said stabilizer at a pH of from about 3 to about 9 and at a temperature greater than about 70°C for a period of time sufficient to convert the greater portion of said alumina to a colloidal sol of boehmite alumina containing said stabilizer;

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recovering said colloidal sol; and  
calcining said colloidal sol to produce a stabilized  
alumina.

#### PRIOR ART REFERENCES

The references of record relied upon by the examiner are:

Leach et al (Leach)	4,676,928	Jun. 30, 1987
Bricker et al (Bricker)	4,791,091	Dec. 13, 1988
Matsumoto et al (Matsumoto)	4,843,056	Jun. 27, 1989

#### ISSUE

The sole issue presented for review is whether the examiner correctly rejected claims 1 and 3 under 35 U.S.C. § 103 as unpatentable over the combined teachings of Leach, Bricker and Matsumoto.

#### OPINION

Our deliberations in this matter have included evaluation and review of the following materials: (1) the instant specification and all of the claims on appeal; (2) appellants' Brief before the Board; (3) the Examiner's Answer; and (4) the prior art references cited and relied on by the examiner.

Having carefully considered those materials, we agree with appellants that the examiner has not established a prima facie case of obviousness for the reasons succinctly set forth by

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appellants in the "argument" section of their Brief, pages 4 through 6. Accordingly, we shall adopt that reasoning as our own.<sup>2</sup> The § 103 rejection of claims 1 and 3 is reversed.

REVERSED

BRADLEY R. GARRIS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
CHUNG K. PAK	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS
	)	AND
	)	INTERFERENCES
	)	
THOMAS WALTZ	)	
Administrative Patent Judge	)	
	)	

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<sup>2</sup> Having concluded that the examiner has not established a prima facie case of obviousness, we need not determine the sufficiency of the showing in examples I and II of the application.

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